

ADVISEMENT OF LEGAL RIGHTS UPON TAKING CUSTODY OF/FILING A PETITION ON BEHALF OF A CHILD ALLEGED TO BE A CHILD IN NEED OF SERVICES

In accordance with Ind. Code 31-34-2 or Ind. Code 31-34-4 the _____ (Name of County) local Department of Child Services has taken your child(ren) into custody and/or has filed a petition alleging that your child(ren) is a child in need of services (CHINS). Pursuant to Ind. Code 31-34-4-6, you are hereby advised that you have the following rights:

You have the right:

1. to have a detention hearing held by a court within 48 hours after the child's removal from the home, excluding weekends and legal holidays, pursuant to Ind. Code 31-34-5-1, and to request return of the child at the hearing;
2. to be represented by an attorney, cross-examine witnesses, and present evidence on your own behalf (*You have the right to be represented by a court appointed attorney at your request if the court finds that you do not have sufficient financial means to obtain someone to represent you.*);
3. not to make any statements that might incriminate you (*Any such statement may be used during a court proceeding on a petition alleging that your child is a child in need of services.*);
4. to request to have your case reviewed by the child protection team in accordance with Ind. Code 31-33-3-6; and
5. to be advised that a petition to terminate the parent-child relationship must be filed whenever a child has been removed from the child's parent and has been under the supervision of the local DCS office for at least 15 of the most recent 22 months.

I acknowledge that I have provided a copy of this document to:

Name of parent, custodian or guardian

Date copy provided (*month, day year*)

Signature of family case manager

*Signature of law enforcement officer

Printed name of family case manager

Printed name of law enforcement officer

Address of local DCS office

Telephone number of local office

*In accordance with local protocol.